

## OCTOBER—1895.

Sun.	Mon.	Tue.	Wed.	Thurs.	Fri.	Sat.
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
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29	30	31				

## CURRENT COMMENT.

L. R. DAWSON, of Des Moines, Ia., claims to have discovered a process for making steel equal to the famed Damascus, the art for making which has been lost for centuries.

LORD SCULLY, who owns nearly 100,000 acres of land in Illinois, as much more in Kansas and Nebraska, has taken out naturalization papers in New York city. It is his intention to make that city his future home.

The District of Columbia grand jury has recommended the establishment of the whipping post for wife-beaters and other petty criminals, and the judge thought such a method of punishment would be productive of good results.

FIVE Havana cigars may become scarce in the next year or two if the present rebellion in Cuba continues much longer. The insurgents have neglected their tobacco crops to a large extent to fight against the Spanish troops.

The bones found by Prof. J. L. Wortman, of Columbia college, N. Y., near the head of Bitter creek, Wyoming, and pronounced by him possibly the "missing link" have turned out to be the skeleton of a pet monkey once owned by cowboys.

GEORGE CORWIN, of Belle Vernon, Pa., grew nine pumpkins on one vine this year which aggregated almost 1,000 pounds in weight. The largest pumpkin weighed 163 pounds and measured 7 feet 7 inches in circumference. One was 6 feet 4 inches in length and weighed 465 pounds.

"OUIDA," the distinguished novelist, does not see what Italy wants with African possessions, when it has 100,000 persons dying of pellagra, 6,000,000 living on malarious land, 1,700 communes in which grain is rare, 1,400 communes with scanty and foul water supplies, 600 communes without doctors within reach, and over 300 communes which have no burial place.

When Robert J. closed the racing season of 1894 with a record of 2:01 1/4 for pacers, and Alix with a record of 2:03 1/4 for trotters, it was generally believed that the two-minute goal would be reached in 1895; but Alix has been unable to lower her record or even to equal it; and the best Robert J. has been able to do is 2:04 1/4, while Patchen has only equaled his own record of 2:04.

According to the official Statistical Abstract for 1894 the people of the United States practiced a sharp economy during the hard times. Comparing the year 1894 with 1893, the consumption of cotton per capita fell from 24.03 pounds to 15.91; the consumption of wheat from 6.90 bushels in 1893 to 3.41 in 1894. The per capita of corn consumption was 52.09 bushels in 1893 and 22.70 in 1894. The consumption of wool in the same time fell off more than one-sixth.

At the recent meeting of the American Humane association at Minneapolis, Minn., Dr. Albert Leffingwell, presented the report of a medical committee which had been engaged in sounding public sentiment regarding vivisection. Over 2,000 expressions of opinion were obtained from leading physicians, clergymen and others. Of these only about one-eighth were in favor of unrestricted experimentation upon living animals, a large majority being either for absolute prohibition or for such restriction by law as should limit vivisection to painless operations.

A YEAR ago Commissioner of Pensions Lochren said that the limit had probably been reached in the number of pensions, but that for two or three years the payments would remain about the same. While the amount of money paid for pensions will not be materially different from that of past years, it appears that there has been added to the pension rolls during the year about 1,000 names in excess of those that have dropped out. The year has not been very fatal to pensioners, the death rate being less than anyone would naturally expect.

MISS MILICENT W. SHINN has been gathering statistics from all the women's colleges of the country on the subject of matrimony, and finds that the ultimate probability of a college woman's marriage is below 55 per cent., against 90 per cent. for those of her sex who do not receive a collegiate education. It is claimed by Miss Shinn, however, that this is not due to masculine prejudice against women thus trained, but to the fact that they find employment as teachers in girls' schools, "a station in life more inimical to marriage," she says, "than any other save that of a nun."

BISHOP POTTER, of New York, declares that the present age is one of new men and new crises, and that the church should recognize their existence frankly. One of the principal necessities, in his opinion, is the obliteration or material modification of sectarian lines. He proposes a union of faiths in an American church that shall be "the refuge of all doubting and storm-tossed souls, the true mother of the rich and poor, of the seeker after truth and the finder of it, the saintly soul and the returning prodigal alike, all walking in its light, and fed with its immortal bread."

## NEWS OF THE WEEK.

## Gleaned By Telegraph and Mail.

## PERSONAL AND POLITICAL.

MAJ. J. C. C. BLACK, democrat, has again defeated Thomas E. Watson, popular for congress in the Tenth Georgia district by a majority of 1,611. The election was one of the quietest ever held in Georgia, a striking contrast to the one held eleven months ago, when three leading men were killed in the streets of Augusta. Watson claimed that the election was unfair and Black, in deference to Watson's views, resigned.

PRESIDENT HARPER, of the Chicago university, announced that Mrs. Mary Esther Reynolds, widow of "Diamond Joe" Reynolds, the well known Mississippi steamboatman, had given \$25,000 to the university, "to be used for educational purposes in such manner as shall commemorate the name of her husband."

The president, it was said, will soon fill the office of fish commissioner, made vacant by the death of Col. Marshall Macdonald, the bureau being held in importance, especially to inland states.

GREAT excitement prevailed at Key West, Fla., on the 30th over a report that marines had been landed from a Spanish cruiser on the Florida Keys in search of filibusters. The state department at Washington will be asked to investigate and demand an apology from Spain.

EX-SENATOR MAHONE, of Virginia, suffered a stroke of paralysis on the 30th and his physicians thought his chances of recovery were very doubtful.

The Chicago Times-Herald on the 30th published personal letters from several of the editors of great newspapers in all parts of the country, the majority of whom favored a short presidential campaign.

The British government received information on the 30th that the viceroy of the Tzu Chuen had been degraded. China yielding in full to great Britain's demands.

PRESIDENT CLEVELAND issued an order on the 30th announcing officially to the army the retirement of com. active service of Lieut.-Gen. John M. Schofield, late commander-in-chief of the United States army.

## MISCELLANEOUS.

To add to the state of terror prevailing in Constantinople a third slight earthquake shock was experienced on the 3d. This, with the rioting and bloodshed, the imprisonment of 500 Armenians, the killing of prisoners in cold blood, and the presence of troops under arms at all points, was well calculated to excite even the most phlegmatic Turk.

The rumor in railway circles declared that an agreement had been reached between the Missouri Pacific, Washash and the Chicago, Milwaukee & St. Paul roads by which the Central branch of the Missouri Pacific would be extended to Denver from Stockton or Lenora, Kan., next year.

The South Carolina constitutional convention by an overwhelming majority, has adopted a clause forbidding the intermarriage of a white person with any person who has any negro blood whatever in his or her veins. This, in connection with the suffrage clause, will have the effect of disfranchising the mulattoes.

SECRETARY LAMONT issued an order on the 2d detaching Gen. Miles to duty in Washington as general of the army and Gen. Ruger, now on special duty in Washington, to the command of the department of the east, with headquarters in New York.

A fire occurred in Cambridge, O., on the morning of the 2d, the Lyndon hotel and many stores and their contents being destroyed. The city firemen were powerless to control the flames and had to send to adjoining towns for help. The loss amounted to over \$50,000; insurance, less than half.

A block of two-story frame houses at Fallerton, and Clybourn avenues, Chicago, burned about 3 o'clock on the morning of the 2d. Ten families were rendered homeless, and lost all their property. Several small stores were also destroyed. The loss will aggregate \$30,000, with small insurance.

The Chickasaw legislature has passed a law making it a death penalty for a Chickasaw Indian to dispose of lands to white persons or non-citizens.

Tux monthly statement of the director of the mint showed coinage during the month of September to be as follows: Gold, \$7,543,572; silver, \$473,166; minor coins, \$61,414. Total coinage, \$8,078,553.

TENNESSEE gales were reported on the 2d as occurring in the southern coast of England, and several vessels had foundered or had been wrecked. A loss of life was feared.

BISHOP MAPLES, of Nyassaland, and a companion were recently drowned in Lake Nyassa and a missionary was murdered by natives on the Zambezi river in Africa.

The Texas legislature passed the bill prohibiting pugilistic encounters in the Lone Star state in exactly three hours on the 2d. The bill passed the senate by a vote of 27 yeas to 1 nay, and in the house by 110 yeas to 5 nays.

Two women were killed by a train while crossing the railroad track near Monmouth Junction, N. J.

PROMINENT railroad officials in Mexico were working to get the Corbett-Fitzsimmons fight in that country should it not come off at Dallas, Tex., by securing the consent of the authorities.

The acting comptroller of the currency has called for a report of the condition of national banks at the close of business on September 28, with the amount of assets of all kinds paid by them during the fiscal year ended June 30, 1895, for incorporation in his annual report.

The steam barge Kershaw went ashore near Marquette, Mich., on the 29th in a storm and broke in two. The crew were rescued by the life-saving crew, who had a narrow escape from death, their boat capsizing. Two schooners were also driven ashore near the same place.

ONE of the largest fires that has ever occurred in southeastern New England broke out in one of the mills of the Warren (R. I.) Manufacturing Co., just after midnight on the 3d and before it was gotten under control it had swept through three large cotton mills, two warehouses, small sheds, freight cars and other property, causing a loss estimated at \$1,125,000. The local fire department was totally inadequate to cope with the flames and had to appeal to adjacent towns.

It was said at the treasury department at Washington that the case of the Chinaman Gee Hop, who claimed admission into this country at San Francisco on the ground that he was a naturalized citizen of the United States, presented no novel features. The law was very plain on that point. The act, approved May 6, 1882, provided "that hereafter no state court or court of the United States shall admit Chinese to citizenship, and all laws in conflict with this act are hereby repealed."

HENRY J. McCOY, general secretary of the Y. M. C. A., of San Francisco, who was cited for contempt for telling Juror Truman that if he did not hang Durrant, the suspected murderer of Blanche Lamont, the people would hang him, was fined \$250, with the alternative of five days in the county jail.

At Silisterville, W. Va., citizens burned a gambling house kept by Albert Barton during Barton's absence. The gambler's wife, attempting to escape, jumped from the second story window and was fatally injured. Barton had been repeatedly warned by citizens.

Gov. CULBERSON signed the anti-prize fight bill on the 3d and prize fighting in Texas hereafter will be punished as a felony. There was much better feeling at Dallas against Gov. Culbertson. Many usually conservative citizens openly declared that he ought to be burned in effigy. The governor, however, was kept busy opening telegrams from Maine to California congratulating him on the passage of the law.

ANDREW CAIN and William Grose, coon hunters of Montpelier, Ind., inadvertently built a fire over some nitroglycerine that had been buried in the ground. An explosion followed blowing both men to atoms.

The divorced son of Andrew Vandyn, of East Liverpool, O., was burned at the stake on the 3d by five companions and so badly injured that he cannot recover. Some men happened to see the performance and ran to the boy's rescue, but his clothes had taken fire and he was badly burned, and the physicians said it was impossible for him to live. A wild west show exhibited in the city about a month ago, and since that time the boys of the town have been playing Indian.

At Jersey City, N. J., John Czech, otherwise known as Fish John, was executed in the county jail on the 3d for the murder of his wife on June 3. Jealousy was the motive of his crime.

PRESIDENT CLEVELAND has committed to imprisonment for life the death sentence imposed upon Clyde Mattox, of Kansas, who was to hang on October 1 for killing an old negro named John Mullens, in Oklahoma.

The prompt action of Acting Indian Agent Morris at Cantonment, Ok., in causing the arrest of all Cheyenne and Arapahoe Indians found outside of the reservation has stopped the threatened trouble between them and cattle men in western Oklahoma. The Indians have burned all the grass for miles on the North Canadian river and the cattlemen have been forced to move. Several settlers have lost their entire crop by the fires set by the redskins.

The British steamer Wallaceha, bound from Glasgow to Trinidad, struck the rocks on Beacon perch and sank. The vessel was a wooden screw steamer, 1,724 tons, and was carrying 1,000 passengers and 100 crew. The captain, C. L. Berry, and his wife, were on board. The vessel was carrying 1,000 passengers and 100 crew. The captain, C. L. Berry, and his wife, were on board. The vessel was carrying 1,000 passengers and 100 crew. The captain, C. L. Berry, and his wife, were on board.

The Farmers' and Citizens' bank at Parnell, Ok., C. L. Berry president and cashier, failed for \$50,000. Depositors ran attachments on the bank for \$30,000. There was only \$25 in cash in the bank when the safe was opened by officers. Cashier Berry was compelled to leave town, and an angry mob went in pursuit of him to lynch him. The bank was reported to have been burned by Indians, viz., Pawnees, Otoes and Osages.

Two trolley cars on the Chester and Derby lines at Chester, Pa., filled with passengers crushed together while going at a high rate of speed near Moore and five persons were injured. The conductors were responsible.

Tux United States treasury closed the month of September with a surplus of \$3,175,040 in receipts over expenditures.

The convention of the Episcopal church was opened at Minneapolis, Minn., on the 2d, sixty bishops, attired in their vestments, occupying the chancel of St. Gethsemane church in the celebration of holy communion to open the exercises.

The government finds it difficult to lease the Cheyenne and Arapahoe lands in the Indian territory on account of the contract clause, which requires that each claim shall have 200 growing trees on it at the end of five years. But twenty tracts of 4,000 have been rented.

The heirs of Juan Peralta, of Spain, who live at New Orleans, have begun suit against the United States for \$2,000,000 acres of land in Arizona. They claim the grant was made to Peralta before the United States acquired the territory and hence no title could be given for the property except by Peralta or his heirs.

The special examiners under the civil service commission have begun their general tour of the United States to give opportunity for candidates for positions in the departmental, mail and Indian services to undergo the usual examinations.

FIRE at Goodhue station, Minn., on the Duluth, Red Wing & Southern railway, destroyed the elevator of the B. Sheldon Co., C. E. Rucker's general store, Anderson's store, a general store, barber shop, hotel and several smaller buildings. The fire was supposed to have been started by tramps sleeping in the hotel barn. Eight freight cars were also burned.

## OKLAHOMA NEWS.

## Judge McAtee Renders Decision of Great Importance.

## A FRIEND OF THE WOODCUTTERS.

Question is one that has worried the Set less-Deputy Sheriff's Act with Cruelty—Offense to be Tried Where Committed.

The wood cutters of the territory have at last found a friend. That friend is Judge McAtee. Every since Oklahoma was opened there has been a feeling of uneasiness on the part of the wood cutters, for the very reason that the law was carried on principally by the deputy marshals with the help of United States commissioners. These deputy marshals have been in the habit of swooping down on poor settlers, pulling them out of bed and carrying them great distances on the charge of cutting timber on government land. Great cruelty to arrested settlers has often resulted, the deputy marshals taking them as far away as possible in order to increase their fees.

Judge McAtee has called a halt. This was done in an opinion rendered by him at Bond Creek Sept. 28. In that opinion he held that the act of cutting timber on government land was a crime, and that the deputy marshals were not authorized to take settlers into custody on the charge of cutting timber on government land. He held that the act of cutting timber on government land was a crime, and that the deputy marshals were not authorized to take settlers into custody on the charge of cutting timber on government land.

Thereupon the said commissioner in Logan county of the First judicial district of the territory, issued his warrant to the marshal of the county to take into custody the said settler, and to his deputies or either of them, in which it was recited that the said Taylor had made his complaint to the said commissioner of the district of Oklahoma, charging that the said defendant committed the offense above specified.

Thereupon, and by the said warrant, the said commissioner undertook to command the said marshal and his deputies to take into custody the said settler, and to his deputies or either of them, in which it was recited that the said Taylor had made his complaint to the said commissioner of the district of Oklahoma, charging that the said defendant committed the offense above specified.

Afterward a formal complaint, based upon the offense specified, was filed against the defendant in open court September 10th, 1895.

The case comes on to be heard upon the offense specified, and the defendant's attorney, A. M. Mackey, Esq., to quash the information: (1st) because the proceeding was void, and (2) because it is not a criminal offense.

The question is one of the greatest practical importance in this territory. It has been the common practice of the United States commissioners of the First judicial district to receive affidavits of the character mentioned in the foregoing, and to issue warrants thereupon for the arrest of persons charged with crimes to many counties in the western portion of the territory. If the defendant is held in custody, he is permitted to institute proceedings for his release, and the proceedings for his release are not interrupted by the fact that the defendant is held in custody.

It is provided by section ten of the Organic Act of this territory, page 44 of the statutes of 1893, that: "If a person is arrested on a warrant issued by a United States commissioner of the First judicial district, and if the defendant is held in custody, he is permitted to institute proceedings for his release, and the proceedings for his release are not interrupted by the fact that the defendant is held in custody."

This contention cannot be sustained. The defendant is held in custody by the United States commissioner of the First judicial district, and the proceedings for his release are not interrupted by the fact that the defendant is held in custody.

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warrant, is therefore up to the point now reached in the hearing of this motion, the most important step in the proceeding is an integral part of the prosecution.

"The institution, or commencement and continuance of a criminal suit; the process of exhibiting formal charges against an offender before a legal tribunal, and pursuing them to final judgment on behalf of the state or government as by indictment or information."

It is the "act of conducting any judicial proceeding and also the proceeding itself, and it includes everything done or performed by any court or judicial officer touching the rights of parties."

Anderson's Law Dictionary; Floumey vs. Jeffersonville, 17 Ind. 121.

It was held by this court in the case of the United States vs. Duncan and others, in which the defendants were arrested in Grant and Garfield counties and brought before the court at Kingfisher in Kingfisher county in July of 1894, that:

"It is therefore clear that if I act as a committing magistrate, I must go in to the county where the alleged offenses were committed, and there sit to hear the evidence, and there issue the institution of the suit—the making of the complaint, the issuance of the warrant of arrest of the defendant and the appearance for preliminary examination are in fact a part of the prosecution."

I hold otherwise in behalf of the plaintiffs here, and it is contended that "prosecution" begins only with the actual trial. But I do not doubt that every first step taken before a legal tribunal by an individual by legal proceedings against him to secure his punishment under the law for a crime, is a part of the prosecution.

The means adopted to bring the supposed offender to justice, and punishment by due course of law. In this country, the means are by indictment, by presentment, by information and by complaint.

Bouv. Law Dict., vol. 2, p. 389; State vs. Williams, 34 La. 1128.

The mode of prosecution is by indictment, presentment, by grand jury, by coroner's inquest and by information.

Calley's Crim. Law, pp. 132-134.

"A prosecution is the institution or commencement of a criminal suit; the process of exhibiting formal charges against an offender before a legal tribunal, and pursuing him to final judgment on behalf of the state or government, as by indictment or information."

The right of the state to prosecute a citizen with the commission of a criminal offense should be born among strans and in full force before in order to protect the locality of the crime which is sought to be punished, and who may know something of the offender who has committed the crime, and to sustain the weight of a criminal accusation only in his own neighborhood or where the offense was committed, and among those who know him, and where all the human motives of personal and neighborhood interests are in full force before in order to protect the locality of the crime which is sought to be punished, and who may know something of the offender who has committed the crime, and to sustain the weight of a criminal accusation only in his own neighborhood or where the offense was committed, and among those who know him, and where all the human motives of personal and neighborhood interests are in full force before in order to protect the locality of the crime which is sought to be 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